IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 286 OF 2006.

Sau.Sunanda Mallinath Chingunde. ... Appellant.
Versus.
Pandharpur Municipal Council & anr. ... Respondents.

Shri R.V.More for the Appellant.

Shri Sarang Aradhye for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 4th May, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. In a suit filed by the Appellant, the learned trial Judge held that the Appellant was not in lawful possession of the suit property. The counter claim filed by the Respondent-Municipal Council was decreed and the suit property, viz. a wooden stall, was ordered to be handed over to the Respondent No.1. In appeal preferred by the Appellant the decree has been confirmed.

2. The learned Advocate for the Appellant submitted that the Appellant was a lawfully inducted tenant and he cannot be dispossessed without termination of his tenancy. He submitted that the Respondent No.1 has issued no objection to the Appellant to obtain electricity connection to the suit structure. He, therefore, submitted that the possession of the Appellant was lawful and the decree could not have been passed in the counter claim.

3. I have considered the submissions. The Courts below have recorded a finding that there was no grant of land below the suit structure in favour of the Appellant. The Courts below have concurrently held that the Appellant could not establish her legal right in respect of the suit structure as against Respondent No.1-Municipal Council. In view of the concurrent finding of fact, no interference is called for. The Second Appeal is dismissed.

Judge.